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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/510,256

10/05/2004

Hubertus Cornelis Maria Van Den Nieuwenhuizen

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PERRY, ANTHONY T

ART UNIT

PAPER NUMBER

2879

MAIL DATE

DELIVERY MODE

06/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/510,256

Applicant(s)VAN DEN NIEUWENHUIZEN,
HUBERTUS CORNELIS**Examiner**

Anthony T. Perry

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/22/07 has been entered.

Claim Rejections - 35 USC § 112

Claims 1 and 3-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 9, the examiner is confused about the recitation "wherein said external capacitive body is electrically isolated". In more detail, the recitation is confusing because it does not particularly point out and distinctly claim what the external capacitive body is electrically isolated from. For examining purpose, the recitation will be assumed as "wherein said external capacitive body is electrically isolated from the first and the second electrodes".

Similarly, claim 3 states, "the external capacitive body comprises an electrically isolated resilient body".

Claims 4-8 and 10-12 are rejected due to claim dependency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, 9, and 11 rejected under 35 U.S.C. 102(b) as being anticipated by Morris (US 5,323,091).

Regarding claims 1, 4, 5, and 11, Morris discloses a high-pressure discharge lamp and its method of manufacturing, wherein the high-pressure discharge lamp has a quartz glass discharge vessel (16) enclosing a discharge space with an ionizable filling, wherein a first electrode (18) and a second electrode (18) are present between which a discharge is maintained during lamp operation, wherein a first seal (42) incorporates a first internal electrical conductor (44) in the form a foil which connects the first electrode (18) to a first external electrical conductor (not labeled) extending from the seal (42) to the exterior, wherein said first seal (42) further incorporates a gas-filled cavity (50) which is at least partially surrounded by an external capacitive body (54), characterized in that the external capacitive body (54) is electrically isolated from the first and second electrodes (18), and the electrodes (18) are inherently connected to an ignition system. The foil (44) extends through the gas-filled cavity (10). The gas filled cavity is taught to include mercury vapor (for example, see Figs. 1-2 and col. 4, lines 13-16).

Regarding claim 9, Morris discloses a high-pressure discharge lamp and its method of manufacturing, including the steps of: filling a discharge space with an ionizable filling, placing a first electrode (18) and a second electrode (18) in the discharge space, such that a discharge can

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be maintained during lamp operation, providing a first seal (42) with a first internal electrical conductor (44) which connects the first electrode (18) to a first external electrical conductor (not labeled) extending from the seal (42) to the exterior, providing the first seal (42) with a gas-filled cavity (50) which is at least partially surrounded by an external capacitive body (54), characterized in that the external capacitive body (54) is electrically isolated from the first and second electrodes (18), and the electrodes (18) are inherently connected to an ignition system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris (US 5,323,091) in view of Van den Nieuwenhuizen et al. (WO 00/77826).

Regarding claim 3, Morris discloses a high-pressure discharge lamp and its method of manufacturing, wherein the high-pressure discharge lamp has a quartz glass discharge vessel (16) enclosing a discharge space with an ionizable filling, wherein a first electrode (18) and a second electrode (18) are present between which a discharge is maintained during lamp operation, wherein a first seal (42) incorporates a first internal electrical conductor (44) which connects the first electrode (18) to a first external electrical conductor (not labeled) extending from the seal (42) to the exterior, wherein said first seal (42) further incorporates a gas-filled cavity (50) which is at least partially surrounded by an external capacitive body (54),

characterized in that the external capacitive body (54) is electrically isolated from the first and second electrodes (18), and the electrodes (18) are inherently connected to an ignition system.

Morris does not specifically teach the capacitive body being in the form of a resilient body that clamps itself around the seal. However, Van den Nieuwenhuizen et al. teach an external capacitive body that is the form of a resilient body that clips itself to the seal in order to simplify the manufacture of the lamp assembly (see page 5, lines 5-19 and Figs. 4-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a resilient body that is capable of clamping itself to the seal, as taught by Van den Nieuwenhuizen, for the external capacitive body so that a simple assembly method that does not require welding or other complicated attachment means can be used in the manufacturing of the lamp.

Regarding claim 12, Morris teaches the lamp assembly of claim 1, but does not specifically teach the capacitive body being in the form of a wire wound around the seal. However, Van den Nieuwenhuizen et al. teach an external capacitive body that is the form of a wire wound around the seal in order to simplify the manufacture of the lamp assembly (see page 4, line 31 – page 5, line 2 and Fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a wire, as taught by Van den Nieuwenhuizen, for the external capacitive body so that a simple assembly method that involves only winding the wire around the seal portion and does not require welding or other complicated attachment means can be used in the manufacturing of the lamp.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris (US 5,323,091) in view of Kawashima et al. (US 6,294,870).

Regarding claims 6-7, Morris does not specifically teach the use of a lamp reflector. However, Kawashima et al. disclose the use of a lamp reflector (77) with a high-pressure

discharge lamp (1) (see Fig. 12). The use of such lamp reflectors is well known in the art for reflecting emitted light in desired direction. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a lamp reflector as taught by Kawashima in order to increase the light intensity in a particular direction, for the purpose of illuminating a desired object. Figure 9 of the Kawashima reference shows capacitive body (73) being partially mounted within the holder (64) of the lamp reflector, such that it is embedded in cement (70).

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris (US 5,323,091) in view of Kawashima et al. (US 6,294,870), as applied to claim 6-7, above, and further in view of Adamson (US 6,094,017).

Regarding claims 8 and 10, Morris and Kawashima do not specifically describe the ignition system of the lamp. However, Adamson teaches a high-pressure discharge lamp wherein the electrodes are connected to a resonance ignition system that produces a frequency of 150 kHz when the lamp is initially turned on. Adamson teaches that a frequency of 150 kHz is high enough to generate a high voltage to ignite an arc across the arc electrodes (col. 21, line 56 – col. 22, line 6). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a resonance ignition system that produces a frequency of 150 kHz connected to the electrodes to ensure that the lamp consistently and reliably creates the initial arc required.

Response to Arguments

Applicant's arguments filed 5/22/07 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The examiner agrees that Morris does not specifically teach the external capacitive body in the form of a wire wound around the seal or a resilient body which clamps itself around the seal, and therefor provides the Van den Nieuwenhuizen to teach the use of such external capacitive bodies.

The external capacitive bodies of the Morris are electrically isolated, i.e. not connected to an electrode.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Information

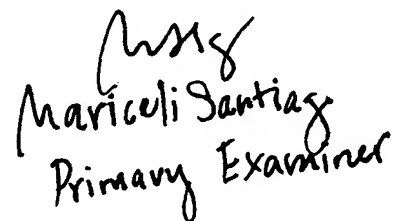
Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Anthony Perry* whose telephone number is (571) 272-2459. The examiner can normally be reached between the hours of 9:00AM to 5:30PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-2457. **The fax phone number for this Group is (571) 273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony Perry
Patent Examiner
Art Unit 2879
June 24, 2007



Mariceli Santiago
Primary Examiner